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SAFEWAY INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL RODMAN, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

SAFEWAY INC.,

Defendant.

Case No. 3:11-CV-03003-JST (JCS)

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Date: January 21, 2015
Time: 2:00 PM
Courtroom: 9, 19th Floor

The Honorable Jon S. Tigar

1 Plaintiff Michael Rodman (“Plaintiff”) and defendant Safeway Inc. (“Safeway”), by
2 and through their counsel, stipulate as follows:

3 1. In July 2014, Plaintiff moved for partial summary judgment (ECF No. 171)
4 and Safeway filed a cross-motion for Summary Judgment (ECF No. 173).

5 2. The parties filed their opposition briefing in connection with these motions
6 in August 2014 (ECF Nos. 183 & 187) and the Court heard oral argument on both motions
7 on September 11, 2014 (ECF No. 198).

8 3. On December 10, 2014, the Court issued an order granting Plaintiff’s Motion
9 for Partial Summary Judgment and setting a further case management conference for
10 January 21, 2015 at 2:00 PM with a joint case management conference statement due for
11 filing on January 6, 2015 (ECF No. 223).

12 4. The parties held an initial conference call to discuss case management issues
13 on December 19, 2014. The parties, however, are still in the process of analyzing the
14 Court’s order for purposes of proposing and drafting the joint case management statement
15 and proposed schedule.

16 5. At the time the Court issued its order and set the case management
17 conference, lead defense counsel was already scheduled to be out of the country in Asia on
18 vacation for the holidays and then traveling to China for work purposes, returning on
19 January 13, 2014. Counsel for Safeway is concerned that they will not have sufficient time
20 to contribute and prepare the joint case management conference statement and proposed
21 schedule as a result of these travels and scheduled meetings in China.

22 6. Given the holidays and unforeseen travel issues arising out of the currently
23 scheduled January 21, 2015 case management conference and related submission deadline,
24 the parties stipulate – subject to the Court’s approval – to continuing the case management
25 conference one week, to January 28, 2014 at 2:00 PM with the joint case management
26 conference statement and proposed schedule due on January 21, 2014.

27 **IT IS SO STIPULATED.**

1 Dated: January 2, 2015

2 SHEPHERD, FINKELMAN, MILLER & SHAH LLP

3
4 By /s/ James C. Shah
5 JAMES C. SHAH
6 Attorneys for Plaintiff MICHAEL RODMAN

7 Dated: January 2, 2015

8 CHIMICLES & TIKELLIS, LLP

9 By /s/ Timothy N. Mathews
10 STEVEN A. SCHWARTZ
11 TIMOTHY N. MATHEWS
12 Attorneys for Plaintiff MICHAEL RODMAN

13 Dated: January 2, 2015

14 SHEPPARD MULLIN RICHTER & HAMPTON LLP

15 By /s/ Brian R. Blackman
16 P. CRAIG CARDON
17 BRIAN R. BLACKMAN
18 Attorneys for Defendant
19 SAFEWAY INC.

CERTIFICATION

I, Brian Blackman, am the ECF User whose identification and password are being used to file this Stipulation and [proposed] Order Continuing Case Management Conference. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that James C. Shah and Timothy N. Mathews have concurred in this filing.

Dated: January 2, 2015

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/ Brian R. Blackman
BRIAN R. BLACKMAN

ORDER

Having considered the parties' stipulation and good cause appearing, the Court continues the January 21, 2015 Case Management Conference to January 28, 2015 at 2:00 PM in Courtroom 9, 19th Floor. The parties shall file a joint case management conference statement, including proposed schedule, by January 21, 2015.

IT IS SO ORDERED.

Dated: January 5, 2015

